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10/581,767

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Thorsten Krawinkel

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EXAMINER

HARRINGTON, RYAN M

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

08/26/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,767	Applicant(s) KRAWINKEL, THORSTEN	
	Examiner RYAN HARRINGTON	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments, see REMARKS (pages 6-8), filed 24 April 2009, with respect to the rejection(s) of claim(s) 1-10 under USC § 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of further explanation of prior art in view of supporting documentation.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 describes an adhesive comprising 'a tackifier resin' and 'a tackifier resin.' It is unclear if the adhesive composition contains one or more 'tackifier resins' or if the two separately disclosed 'tackifier resins' are the same.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over GROVES (U.S. Patent 5,623,010), in view of supporting evidence disclosed in DuPont Technical Data Sheet (TYZOR Technical Bulletin K-17591, hereafter TYZOR).

7. Regarding claim 1, GROVES discloses an adhesive comprising a mixture blend of an acid-modified vinylaromatic block copolymer (column 2, lines 40-60; examples 1-7, column 10, lines 55-67 and column 11, lines 1-7). The examples disclose the compositions of Primer Solutions (column 10, lines 45-54) comprising a Primer Composition (1) (column 10 lines 19-29) and a Primer Composition (2) (column 10, lines 30-44), wherein the Primer Composition (1) comprises a styrene-ethylene/butylene-styrene elastomer containing 2% bound succinic anhydride (column 10, lines 21-22), and the Primer Compositions (2) comprise a mixture of acrylates (column 10, lines 55-67 and column 11, lines 1-7). The Primer Composition (1) is added to various Primer Compositions (2) (column 10, lines 55-67 and column 11, lines 1-7) as disclosed in Examples 1-7 to give a Primer Solution (column 10, lines 45-54). Therefore, the Examples 1-7 of GROVES comprise an acid anhydride modified vinyl aromatic block

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copolymer as the Primer Composition (1), in addition to an acrylate resin of Primer Composition (2).

Furthermore, GROVES discloses a tackifier resin (column 4, lines 17-20), the adhesive film strip is capable of being detachable by extensive stretching in the direction of the bondline (column 8, lines 60-66 and column 9 lines 1-6 describe a test method in which an adhesive strip is removed by extensive stretching in the bondline).

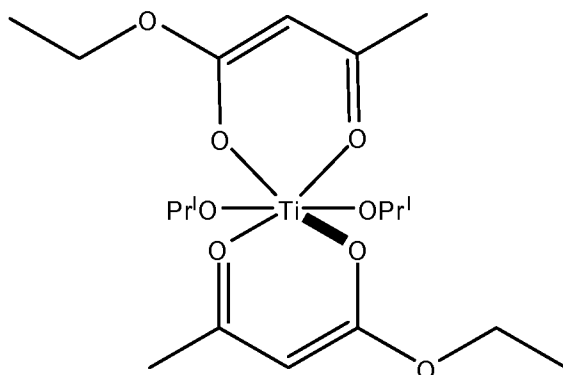
Furthermore, GROVES discloses that Examples 2-7 comprise a metal chelate (column 10, lines 56-67 and column 11, lines 1-7), indicated in the table as TE, CLA, DC, or TBT (defined at column 9, lines 63-67 and column 10, lines 1-14), wherein the DC compound (defined as TYZOR DC® column 10, lines 1-5) will be expounded upon in the following rejection.

Furthermore, GROVES discloses a metal chelate of the following formula: $(R_1O)_n M (XR_2Y)_m$, where M is a transition metal (Tyzor DC® contains titanium, column 10, lines 1-5); R_1 is an alkyl or aryl group (Tyzor DC® is described as having 2-propanol ligands, column 10, lines 1-5), n is zero or a greater whole number; X and Y are oxygen or nitrogen, optionally attached through a double bond to R_2 ; R_2 is an alkylene group connecting X and Y and may be branched, or else may contain oxygen or other heteroatoms in the chain; m is a whole number, but at least 1 (Tyzor DC® is described as having ethylacetylacetonate ligands, column 10, lines 1-5).

GROVES discloses the formula of TYZOR® compounds for use as additives, in particular TYZOR DC® which is described as ethylaceto-acetate chelate of titanic acid (titanium bis(ethyl-3-oxobutanolato- O^1, O^3) bis 2-propanolato) having

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ethylacetylacetonate ligands (column 10, lines 1-5). The ligand ethyl-3-oxobutanolato- O^1, O^3 directly corresponds to the instantly claimed structure $(R_1O)_n M (XR_2Y)_m$ wherein X and Y are oxygen atoms attached through a double bond to R_2 , wherein R_2 is an alkylene group connecting X and Y, wherein the structure of titanium bis(ethyl-3-oxobutanolato- O^1, O^3) bis 2-propanolato) is:



GROVES discloses the use of TYZOR® additives (GROVES column 9, lines 63-67 and column 10, lines 1-14), in particular TYZOR DC® (GROVES column 10, lines 1-5) comprising a titanium metal center and ethyl-3-oxobutanolato- O^1, O^3 ligands, otherwise known as acetylacetonate ligands.

GROVES does not expressly disclose that the TYZOR® additives, as described above, act as cross-linking agents.

However, these complexes are known to and used by those skilled in the art for the benefit of providing 'high reactivity and ability to form multiple bonds through a single metal site' (TYZOR® Technical Bulletin K-17591, 'Unique Mode of Reaction'), wherein the TYZOR® additives in the adhesive composition inherently impart a crosslinking property.

Therefore, it would have been obvious to one skilled in the art at the time of the instant invention to include an additive that imparts crosslinking character such as the TYZOR® additives in the adhesive composition of GROVES for the benefit of providing 'high reactivity and ability to form multiple bonds through a single metal site' (TYZOR® Technical Bulletin K-17591, 'Unique Mode of Reaction'), wherein the TYZOR® additives in the adhesive composition inherently impart a crosslinking property.

8. Regarding claim 2, GROVES in view of TYZOR discloses the adhesive of claim 1, wherein the vinylaromatic block copolymers (ABA block copolymers) possess polystyrene end blocks (column 2, lines 28-31).

9. Regarding claim 3, GROVES in view of TYZOR discloses the adhesive of claim 1 wherein the adhesive comprises further elastomers (column 4, lines 1-11 describe polymer blends containing butylene and ethylene which are known to those skilled in the art as elastomers), further acids (column 2, line 39-44; column 3, lines 26-28), further acid anhydrides (column 2, line 39-44; column 3 lines 26-28) or combinations thereof.

10. Regarding claim 4, GROVES in view of TYZOR discloses the adhesive of claim 1, having a fraction of 20% to 70% by weight of vinylaromatic block copolymer, based on the weight of adhesive as a whole (which reads on the range of 5:95 to 95:5, column 2, lines 60-64; claim 9).

11. Regarding claim 5, GROVES in view of TYZOR discloses the adhesive of claim 1, comprising further blend components, selected from the group consisting of plasticizers (column 2, lines 32-35 discloses polydiene blocks comprising polybutadiene

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which are known to those skilled in the art as plasticizers), aging inhibitors (column 4, lines 39-57; column 5, lines 17-33), processing aids (column 10, lines 27-29 describe solvents being used as processing aids), fillers (column 4, lines 58-62), dyes (column 4, lines 62-65), and stabilizers (column 4 lines 66-67).

12. Regarding claim 6, GROVES in view of TYZOR discloses the adhesive of claim 1, wherein the metal chelates are acetylacetonates (ethylacetylacetonate is a derivative of acetylacetonate and are ligands of the TYZOR DC® complex as described in column 10, lines 1-5).

13. Regarding claim 7, GROVES in view of TYZOR discloses a single- or double-sided adhesive film strip comprising the adhesive of claim 1 (column 6, lines 46-50).

14. Regarding claim 8, GROVES in view of TYZOR discloses an adhesive film strip of claim 7, wherein said adhesive on at least one side of said adhesive film strip has a multilayer construction with an extensible carrier in between the layers (column 12, lines 30-35 describes a multilayer structure with an extensible foam carrier layer).

15. Regarding claim 9, GROVES in view of TYZOR discloses the adhesive of claim 4, wherein said amount of vinylaromatic block copolymers is 30% to 60% by weight (which reads on the claimed range of 5:95 to 95:5; column 2, lines 60-64; claim 9).

16. Regarding claim 10, GROVES in view of TYZOR discloses the adhesive of claim 9, wherein said amount of vinylaromatic block copolymers is 35% to 55% by weight (which reads on the claimed range of 5:95 to 95:5, column 2, lines 60-64; claim 9).

17. Regarding claim 11, GROVES in view of TYZOR discloses the adhesive of claim 6, wherein said acetylacetonates are titanium acetylacetonate, in particular TYZOR

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DC®, as described above, is an ethylaceto-acetate chelate of titanac acid (titanium bis(ethyl-3-oxobutanolato-O¹,O³) bis 2-propanolato) having ethylacetylacetonate ligands (column 5, lines 6-12; GROVES column 9, lines 63-67 and column 10, lines 1-14), which is known to one skilled in the art as an acetylacetonate chelate.

18. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over GROVES (U.S. Patent 5,623,010), in view of GRAHAM (U.S. Pat. #4,005,247).

19. Regarding claim 1, GROVES discloses an adhesive comprising a mixture blend of an acid-modified vinylaromatic block copolymer (column 2, lines 40-60; examples 1-7, column 10, lines 55-67 and column 11, lines 1-7). The examples disclose the compositions of Primer Solutions (column 10, lines 45-54) comprising a Primer Composition (1) (column 10 lines 19-29) and a Primer Composition (2) (column 10, lines 30-44), wherein the Primer Composition (1) comprises a styrene-ethylene/butylene-styrene elastomer containing 2% bound succinic anhydride (column 10, lines 21-22), and the Primer Compositions (2) comprise a mixture of acrylates (column 10, lines 55-67 and column 11, lines 1-7). The Primer Composition (1) is added to various Primer Compositions (2) (column 10, lines 55-67 and column 11, lines 1-7) as disclosed in Examples 1-7 to give a Primer Solution (column 10, lines 45-54). Therefore, the Examples 1-7 of GROVES comprise an acid anhydride modified vinyl aromatic block copolymer as the Primer Composition (1), in addition to an acrylate resin of Primer Composition (2).

Furthermore, GROVES discloses a tackifier resin (column 4, lines 17-20), the adhesive film strip is capable of being detachable by extensive stretching in the direction of the bondline (column 8, lines 60-66 and column 9 lines 1-6 describe a test method in which an adhesive strip is removed by extensive stretching in the bondline).

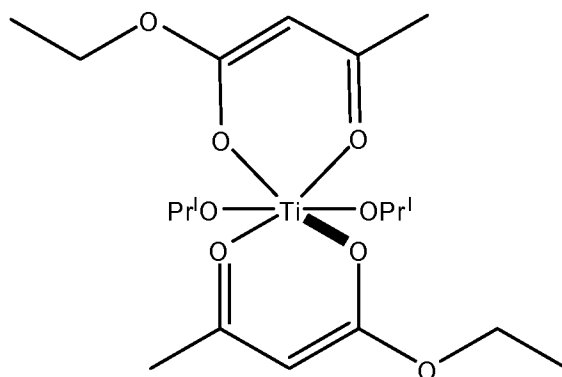
Furthermore, GROVES discloses that Examples 2-7 comprise a metal chelate (column 10, lines 56-67 and column 11, lines 1-7), indicated in the table as TE, CLA, DC, or TBT (defined at column 9, lines 63-67 and column 10, lines 1-14), wherein the DC compound (defined as TYZOR DC® column 10, lines 1-5) will be expounded upon in the following rejection.

Furthermore, GROVES discloses a metal chelate of the following formula: $(R_1O)_n M (XR_2Y)_m$, where M is a transition metal (Tyzor DC® contains titanium, column 10, lines 1-5); R_1 is an alkyl or aryl group (Tyzor DC® is described as having 2-propanol ligands, column 10, lines 1-5), n is zero or a greater whole number; X and Y are oxygen or nitrogen, optionally attached through a double bond to R_2 ; R_2 is an alkylene group connecting X and Y and may be branched, or else may contain oxygen or other heteroatoms in the chain; m is a whole number, but at least 1 (Tyzor DC® is described as having ethylacetylacetonate ligands, column 10, lines 1-5).

GROVES discloses the formula of TYZOR® compounds for use as additives, in particular TYZOR DC® which is described as ethylaceto-acetate chelate of titanous acid (titanium bis(ethyl-3-oxobutanolato- O^1, O^3) bis 2-propanolato) having ethylacetylacetonate ligands (column 10, lines 1-5). The ligand ethyl-3-oxobutanolato- O^1, O^3 directly corresponds to the instantly claimed structure $(R_1O)_n M (XR_2Y)_m$ wherein

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X and Y are oxygen atoms attached through a double bond to R_2 , wherein R_2 is an alkylene group connecting X and Y, wherein the structure of titanium bis(ethyl-3-oxobutanolato- O^1, O^3) bis 2-propanolato) is:



GROVES discloses the use of TYZOR® additives (GROVES column 9, lines 63-67 and column 10, lines 1-14), in particular TYZOR DC® (GROVES column 10, lines 1-5) comprising a titanium metal center and ethyl-3-oxobutanolato- O^1, O^3 ligands, otherwise known as acetylacetonate ligands.

GROVES does not expressly disclose that the TYZOR® additives, as described above, act as cross-linking agents.

In the same field of endeavor of providing an adhesive composition, GRAHAM discloses a polymeric composition formed by the reaction of an acrylic interpolymer with a metal alkoxide (GRAHAM column 1, lines 65-66), wherein the acrylic interpolymer comprises an amount of an α, β -unsaturated acid anhydride (GRAHAM column 2, lines 29-30) and wherein the α, β -unsaturated acid anhydride is a 'reactive functional group' (GRAHAM column 2, lines 56-59) that reacts with the metal chelates for the benefit of forming a more stable and crosslinked polymer matrix (GRAHAM column 4, lines 16-20).

Furthermore, the metal chelates of GRAHAM are titanium chelates (GRAHAM column 3, lines 11-27), in particular titanium ester chelates of acetylacetonate (GRAHAM column 4, lines 6-20).

Therefore, it would have been obvious to one skilled in the art at the time of the instant invention to use the metal chelates of GRAHAM, in particular the titanium ester chelates of acetylacetonate of GRAHAM as the metal chelates of GROVES for the benefit of forming a more stable and crosslinked polymer matrix (GRAHAM column 4, lines 16-20).

20. Regarding claim 2, GROVES in view of TYZOR discloses the adhesive of claim 1, wherein the vinylaromatic block copolymers (ABA block copolymers) possess polystyrene end blocks (column 2, lines 28-31).

21. Regarding claim 3, GROVES in view of GRAHAM discloses the adhesive of claim 1 wherein the adhesive comprises further elastomers (column 4, lines 1-11 describe polymer blends containing butylene and ethylene which are known to those skilled in the art as elastomers), further acids (column 2, line 39-44; column 3, lines 26-28), further acid anhydrides (column 2, line 39-44; column 3 lines 26-28) or combinations thereof.

22. Regarding claim 4, GROVES in view of GRAHAM discloses the adhesive of claim 1, having a fraction of 20% to 70% by weight of vinylaromatic block copolymer, based on the weight of adhesive as a whole (which reads on the range of 5:95 to 95:5, column 2, lines 60-64; claim 9).

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23. Regarding claim 5, GROVES in view of GRAHAM discloses the adhesive of claim 1, comprising further blend components, selected from the group consisting of plasticizers (column 2, lines 32-35 discloses polydiene blocks comprising polybutadiene which are known to those skilled in the art as plasticizers), aging inhibitors (column 4, lines 39-57; column 5, lines 17-33), processing aids (column 10, lines 27-29 describe solvents being used as processing aids), fillers (column 4, lines 58-62), dyes (column 4, lines 62-65), and stabilizers (column 4 lines 66-67).

24. Regarding claim 6, GROVES in view of GRAHAM discloses the adhesive of claim 1, wherein the metal chelates are acetylacetonates (ethylacetylacetonate is a derivative of acetylacetonate and are ligands of the TYZOR DC® complex as described in column 10, lines 1-5).

25. Regarding claim 7, GROVES in view of GRAHAM discloses a single- or double-sided adhesive film strip comprising the adhesive of claim 1 (column 6, lines 46-50).

26. Regarding claim 8, GROVES in view of GRAHAM discloses an adhesive film strip of claim 7, wherein said adhesive on at least one side of said adhesive film strip has a multilayer construction with an extensible carrier in between the layers (column 12, lines 30-35 describes a multilayer structure with an extensible foam carrier layer).

27. Regarding claim 9, GROVES in view of GRAHAM discloses the adhesive of claim 4, wherein said amount of vinylaromatic block copolymers is 30% to 60% by weight (which reads on the claimed range of 5:95 to 95:5; column 2, lines 60-64; claim 9).

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28. Regarding claim 10, GROVES in view of GRAHAM discloses the adhesive of claim 9, wherein said amount of vinylaromatic block copolymers is 35% to 55% by weight (which reads on the claimed range of 5:95 to 95:5, column 2, lines 60-64; claim 9).

Regarding claim 11, GROVES in view of GRAHAM discloses the adhesive of claim 6, wherein said acetylacetonates are titanium acetylacetonate, in particular TYZOR DC®, as described above, is an ethylaceto-acetate chelate of titanic acid (titanium bis(ethyl-3-oxobutanolato-O¹,O³) bis 2-propanolato) having ethylacetylacetonate ligands (column 5, lines 6-12; GROVES column 9, lines 63-67 and column 10, lines 1-14), which is known to one skilled in the art as an acetylacetonate chelate.

Specification

29. As previously set forth, the disclosure is objected to because of the following informalities: The word 'inertizing' on page 9, line 14 of the specification should be replaced with the word 'inertization' or, alternatively the word 'inerting'. Appropriate correction is required.

The Examiner acknowledges the amendments to the specification regarding the changing of the word 'inerting' for 'inertizing.' The Examiner's objection has been withdrawn.

Information Disclosure Statement

30. As previously set forth, the information disclosure statement filed 06/06/2006 and 08/21/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The Applicant states that the statement made by the Examiner in the office action is confusing, however, because the Examiner states that the information disclosure statements were placed in the file and that the information referred to therein has not been considered when, in fact, it was only certain references that did not comply and were not considered, whereas most of the references did comply and apparently were considered. It is respectfully requested that the Examiner clarify the status of the IDSs by indicating on the record that a line was drawn through the references cited on the 1449 forms that were not considered, but that those references that were initialed and not lined out were considered.

The Examiner replies that at the time of the First Office Action a line was drawn through the references on the 1449 IDS forms that were not considered due to its lack of inclusion in the file wrapper, and that any reference that was not lined through was considered in the examination of the instant application. While the lined through documents themselves were not considered because they were not included in the file wrapper, the Applicant has annotated the 1449 IDS forms to indicate where the

references in question have equivalent English language documents or where there were no other English language documents available.

The Examiner maintains that the references that have been lined through were not considered due to their lack of inclusion into the file wrapper however, the Examiner contends that any English language equivalent document that has been linked by the Applicant's annotation of the 1449 IDS forms has been considered.

Response to Arguments

31. Applicant's arguments, see REMARKS (pages 6-8), filed 24 April 2009, with respect to the rejection(s) of claim(s) 1-10 under USC § 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of further explanation of prior art in view of supporting documentation.

32. The applicant argues that GROVES discloses an adhesive film strip, and refers to column 5, lines 34-37 and examples 1-7 at column 10, lines 56-66. Column 10, lines 56-66 of the Groves reference concerns a PRIMER for an adhesive, and not an adhesive film strip which is detachable by extensive stretching in the direction of the bond line.

The Examiner disagrees. As disclosed in GROVES, the polymeric blend serves as an adhesive, a primer, and a pressure sensitive adhesive (GROVES column 2, lines 14-17). Furthermore, the adhesive polymeric blend is coated onto a substrate to render the substrate adhesive, hence an adhesive film strip (GROVES column 6, lines 58-60).

In response to applicant's argument that "the Groves reference concerns a PRIMER for an adhesive, and not an adhesive film strip," a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

33. The applicant argues that GROVES, at column 2, lines 40-60, discloses a mixture of an acid-modified or acid anhydride-modified vinylaromatic block copolymer, a metal chelate of Applicant's formula (referring to Tyzor DC® as containing titanium (col. 10, lines 1-5)). Tyzor DC® is described as an ethylaceto-acetate chelate of titanous acid, and the Examiner has not shown that such a chelate falls within the definition of Applicant's formula.

As previously described, the chelate of GROVES has sufficiently been shown to fall within the definition of the Applicant's chelate formula.

34. Applicant argues that nowhere in the Groves reference can there be found any teaching or suggestion of chelate-crosslinked adhesives.

As previously described, the composition of GROVES, comprising a metal chelate, imparts an inherent crosslinking property to the adhesive composition.

35. Applicant argues that there is only one example given for a pressure sensitive adhesive, Example 19. In this example a mixture of block copolymers and resins is used and combined with an acrylic adhesive. It is explicitly mentioned that no metal

chelate is used in this example. So by reading this reference, one could not know that the addition of the chelates to styrenic blockcopolymers would be of any advantage.

As previously described, the Examples of GROVES disclose adhesive compositions that fall within the definition of the Applicant's definition of an adhesive.

The applicant's arguments have been fully considered and have been addressed in the preceding rejection statement.

Response to Amendment

36. The amendment filed on 04/24/2009 under 37 CFR 1.111 has been entered.

37. Applicant argues that nowhere in the Groves reference can there be found any teaching or suggestion of chelate-crosslinked adhesives and the applicant has amended claim 1 to claim to reflect that the adhesive film strip comprises a metal chelate cross linked polymer instead of claiming that the claimed metal chelate is present as a constituent in a mixture of the polymer.

GROVES discloses the use of TYZOR® additives (GROVES column 9, lines 63-67 and column 10, lines 1-14), in particular TYZOR DC® (GROVES column 10, lines 1-5) comprising a titanium metal center and ethyl-3-oxobutanolato- O¹,O³ ligands, otherwise known as acetylacetonate ligands, wherein these complexes are known to those skilled in the art as crosslinking agents 'due to their high reactivity and ability to form multiple bonds through a single metal site' (TYZOR® Technical Bulletin K-17591, 'Unique Mode of Reaction'). The GROVES use of TYZOR® additives in the adhesive film strip inherently imparts a crosslinking property.

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38. The applicant has further amended the claims by adding a further limitation disclosing specific metal complexes for use in the polymer (instant claim 11). The additional limitation will be addressed in the following rejection statement.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HARRINGTON whose telephone number is (571)270-7741. The examiner can normally be reached on M-TH, 730a-500p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571)272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James J. Seidleck/
Supervisory Patent Examiner, Art Unit 1796

/RH/